

### **REMARKS**

Amendments to claims 1, 22, and 31 are for the purpose of clarifying what Applicant regards as the invention. Amendments to claims 15, 28, and 37 are to bring these claims into conformity with the language of their respective base claims. Amendments to claims 35, 36, and 42 are to change claim dependencies. Amendment to claim 41 is to bring this claim into conformity with the language of its base claim. No new matter has been added.

#### **I. Claim Rejections Under 35 U.S.C. 112**

Claims 35-41 stand rejected under 35 U.S.C. § 112, second paragraph. According to the Office Action, claim 40 lacks antecedent basis for the limitation “the first difference image.” Applicant believes the Examiner meant “claim 41.” Also, according to the Office Action, claim 41 lacks antecedent basis for the limitation “the first value.” Applicant believes the Examiner meant “claim 42.” Claims 35, 36, 41, and 42 have been amended to remove the alleged deficiency pointed out in the Office Action.

Claims 35-37 also stand objected to. It is believed that the amendments to claims 35 and 36 have addressed the claim objections.

#### **II. Claim Rejections Under 35 U.S.C. § 102**

##### **Claims 1, 22, and 31**

Claims 1-3, 7-9, 12-14, 18, 20, 23-27, and 31-36 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. “2002/0172413 A1” (Hipp). Applicant believes the Examiner meant “2003/0086596”. Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claimed elements must be disclosed, either expressly or inherently, in the cited reference.

Claim 1 has been amended to recite enhancing a feature of the input image *such that an image of a moving object is enhanced relative to an image of a relatively stationary object.* (Emphasis Added) Claims 22 and 31 have been amended to recite similar limitations. The cited

passage (paragraph 35) of Hipp does not disclose or suggest the above limitations. For at least the foregoing reason, claims 1, 22, and 31, and their respective dependent claims, are believed allowable over Hipp.

Claims 40, 50, and 53

Claims 40, 43, 46, 49, 50, 53, and 56 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 7,058,204 (Hildreth).

Claim 40 recites providing a reference image of an object, and determining whether the object has moved. Claims 50 and 53 recite similar limitations. According to the Office Action, column 1, line 49 of Hildreth allegedly discloses a background data set associated with a background, which is considered as the claimed “reference image of an object.” However, Applicant respectfully notes that the background 104 in Hildreth does not, and cannot, move (see Figures 1, 2A, and column 7, lines 42-44, describing that a floor or window ledge and sidewalls provide a controlled background 104). As such, to the extent that the Examiner considers the background 104 to be the object in the reference image, Hildreth clearly does not disclose or suggest determining whether such object has moved. Also, according to the Office Action, column 1, lines 53-54 allegedly disclose determining whether the object has moved. However, the cited passage actually discloses:

The method also includes detecting a first relative position of the object of interest in the first difference map and a second relative position of the object of interest in the second difference map, and producing an absolute position of the object of interest from the first and second relative positions of the object of interest.

As such, the cited passage discloses using a first position of the objective relative to the first map, and a second position of the object relative to the second map, to determine an absolute position of the object, and does not disclose or suggest determining whether the object has moved. For at least the foregoing reasons, claims 40, 50, and 53, and their respective dependent claims, are believed allowable over Hildreth.

**CONCLUSION**


Based on the foregoing, all claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7031422002**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7031422002**.

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Respectfully submitted,

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